

## **What employees need to do and know regarding Pregnancy Leave**

**Note: This applies to City of Fresno Employees Only**

### Terms to know:

FMLA – Family Medical Leave Act

CFRA – California Family Rights Act

PDL – Pregnancy Disability Leave

SDI – State Disability Leave (applies only to unions Local 39, IBEW, and FCEA)

PFL – Paid Family Leave (applies only to unions Local 39, IBEW, and FCEA)

Local 39 – Stationary Engineers, Local 39 (Unit 1)

FCEA – Fresno City Employee's Association (Unit 3)

IBEW – International Brotherhood of Electrical Workers (Unit 7)

### Notification:

Employees should provide at least 30 days notice if practical. For example, 30 days prior to birth of the child. If the employee's doctor believes they will need to be on disability before the birth of the child, it should be 30 days prior to the disability date. If the doctor determines the employee needs to stop working immediately due to the pregnancy, the 30 days is no longer practical. The most important thing is to follow the directions on the FMLA/CFRA forms provided by Risk Management to make sure everything is completed correctly.

### Applying:

Different employees will need to apply for different programs.

Pregnant Employees – Qualified employees\* will have to fill out the FMLA/CFRA forms. Employees that do not qualify for FMLA and CFRA should receive documentation from their doctor regarding PDL. This documentation should be retained by the department and a copy sent to Risk Management. Employees in Local 39, FCEA, and IBEW will also need to fill out SDI paperwork with the State. Employees in the different management groups may need to fill out long-term disability paperwork with Risk Management.

Employee with Pregnant spouse – Qualified employees\* will have to fill out the FMLA/CFRA forms to receive bonding time under CFRA. Employees in Local 39, FCEA, and IBEW will also need to fill out PFL paperwork with the State.

### Some important distinctions:

FMLA, CFRA, and PDL protect an employee's job; they do not guarantee an employee will receive any type of compensation. However, under FMLA and CFRA, the City will continue to pay for the employee's health and welfare (employee must also continue to pay their portion or will have to pay it back once they return to work).

SDI and PFL do NOT protect an employee's job or protect any benefits; these programs provide monetary payments from an account that the employee has been paying into from their regular paychecks. As SDI and PFL only pay a portion of the employee's salary, employees are allowed to use 13 hours of leave a week to make up the difference. Employees are advised that it is to their benefit to use these 13 hours when available to ensure continued payments of health and welfare, pension obligations, etc...

\* Employees must have worked for the City for at least 12 months in the last 7 years and at least 1,250 hours in the last 12 months to qualify for FMLA and CFRA.

SDI/PFL – Employees should contact the Employment Development Department for the State of California for clarification on any of the following.

Pregnant employees will need to fill out the full SDI form. Once the employee is no longer considered disabled (this is based on the date the doctor provided on the form, employee may need to provide updates to the State) the State will send the employee a one page PFL form that will need to be filled out and sent in. The employee will then begin receiving PFL benefits instead of SDI.

If the employee is the spouse or registered domestic partner and will be on leave for bonding time they will need to fill out the standard PFL form only.

SDI and PFL do not start until the 8<sup>th</sup> calendar day after the employee has been off from work. SDI and PFL forms state that you must wait 9 days before filing claims, you may file them earlier but if you continue to work past that day, you may owe the State money. There is no waiting period between SDI ending and PFL starting. You are allowed up to 6 weeks of PFL in a 12 month period and up to 52 weeks of SDI per claim.

Using your Accrued Leave:

City regulations state that employees must use all of their accrued leaves prior to going on leave without pay status.

Exceptions:

- Employee is on SDI or PFL
- They have used their entire allotment of Family Sick and have exhausted their other leaves
- Bonding time has started and they have an existing sick balance but no other leaves.

Sick Leave may only be used while the pregnant employee is on disability. Family sick may be used by the spouse for the birth of the child and any doctor's appointments for mother or child. The mother may also use family sick for any time taking the child to the doctor. Please remember that employees are only allowed to use half of their annual accrual of sick or annual leave for family sick reasons.

Once the employee falls under bonding time, they must use a leave other than sick for their time off.

PDL

Maximum amount of time employee is protected is 16 weeks. The employee's doctor will determine the amount of time before and after the birth of the child.

FMLA

Maximum amount of time employee is protected is 12 weeks. Runs concurrently with PDL and CFRA.

CFRA – Bonding Time

Bonding time may be taken over the course of one year from the birth of the child in 2 week intervals for a total of 12 weeks. This may be taken all at once, or over the course of the year. On two occasions, the employee may take the leave in less than a two week period.

\*\* Remember that SDI and PFL notations will only apply to employees in Local 39, FCEA, and IBEW.

Beginning of Week

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
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1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
		Baby Born																	
FMLA																			
PDL								CFRA											
		SDI								PFL									
Sick Leave								Vacation Leave											

Beginning of Week

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
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Beginning of Week																				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
Baby Born																				
FMLA																				
PDL									CFRA											
SDI									PFL											
Sick Leave									Vacation Leave											

Beginning of Week											
1	2	3	4	5	6	7	8	9	10	11	12

Beginning of Week											
1	2	3	4	5	6	7	8	9	10	11	12
Baby Born											
CFRA											
PFL											
Vacation Leave (Family Sick may be used on the day of birth and for any Dr. appointments)											